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## Taking Legal Philosophy Seriously

**Abstract.** The article emphasizes the various characters of legal phenomena, which are discoverable just from different aspects. The article approaches the problem of multidisciplinary on the basis of some considerations of a concrete research. After that, it introduces the necessity of multidisciplinary tendencies as indirect consequences of Western analytical thinking. It outlines that evolution of legal philosophy results in a special plurality within jurisprudence. The article attempts to sketch the structure of multidisciplinary legal inquiry.

**Keywords:** biological aspects, human ethology, legal philosophy, legal positivism, natural law, methodology, multidisciplinary

### I. On some personal considerations

As Dworkin warned, if we wish to take rights seriously, we have to take into consideration not only norms, rules as texts, but we should consider legal principles and numerous morally relevant momenta. Moreover I would suggest that we should deal with the totality of human phenomenon, while we attempt to discover the world of law. As I see, there is no sharp demarcation between legal principles and moral-social principles. It is also a big question how moral-social principles can become legal principles, if we suppose the existence of such a sharp border. Of course, if we think this process happens by juridical authority, we hint to a formal moment again.

We should take into account that despite that, moral principles can often be grasped conceptually, they do not take their origin from the territory of conceptuality, but they are rooted deeply in the nature of man, which has been formed fundamentally by an evolutionary process. Some moral principles have just cultural origin, so their nature is discoverable from wholly cultural aspects. Dworkin asserted “A general theory of law must be normative as well as conceptual”.<sup>1</sup> It may be true. However, I suppose that although all research takes place by concepts, however, not only by them. On the other hand, usage of concepts does not mean that objects of inquires are exclusively concepts. Numerous legally relevant circumstances have non-conceptual, often unconscious, nature. Thus, we should be highly careful with conceptual approaches, and we must strive for a varied viewpoint, if we take legal philosophy seriously.

Some years ago I attempted to outline the spiritual origin of the Roman law, which undoubtedly constitutes the basis of Western law, especially of the continental legal systems.<sup>2</sup> At the beginning it was clear for me that in the Roman law the strictly controlled forms not only restrict prevalence of equity and justice, but those result in the autonomy of law, result in law, as a separate phenomenon. The anxious-ritualistic attitude of the ancient

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<sup>1</sup> Dworkin, R.: *Taking Rights Seriously*. Cambridge, 1977. VII.

<sup>2</sup> Szmodis, J.: *A jog realitása. Az etruszk vallástól a posztmodern jogelméletekig* (The Reality of the Law. From the Etruscan Religion to the Postmodern Theories of Law). Budapest, 2005.

Roman law was conspicuous as opposed to the collective ideas about the “Proper” of Indo-European tribes.

While I examined the ontological nature of the Western law, I had to accept there are numerous previous non-legal questions, which can influence indirectly or directly the result of the legal research. Numerous particular problems emerge during the examination of the law, of which the answers fall under areas of other disciplines. Namely, law is often connected with religion, but wherein significant psychological phenomena appear. Thus, while we examine law, we have to answer in an appropriate way among others such problems, which are fundamentally in spheres of the history of religion or psychology.

And at this point we can meet a huge dilemma. We either ignore and neglect the non-legal problems because of our incompetence or we attempt to use properly the knowledge of other disciplines during our inquiry. However, if we do not take relevant non-legal aspects into account, we renounce in advance a duly sophisticated legal concept, but if we carefully and circumspectly utilize the knowledge of non-legal disciplines, we can theoretically reach a really scientific concept of law, and we can describe its mechanism. In my opinion the latter option is more fruitful.

It was clear, previous researches ignored connection between the Etruscan religion and the Roman law despite religious determination of Roman law had been well known from Demelius<sup>3</sup> to Max Weber,<sup>4</sup> Wolff<sup>5</sup> and MacCormack.<sup>6</sup> On the other hand, that has been clear for a long time, that Etruscan religion had exerted influence on Roman religion. In order to see the chain of “Etruscan religion–Roman religion–Roman law” and to compare structural similarities of Roman law and Etruscan religion, we should surpass the exclusively legal aspects and we should examine the question in historical, psychological and religious contexts.

Thus, we have to use a multidisciplinary approach, which does not take notice of the limitations of previous considerations, but always focuses on the emerging particular problems. During this process the topical question determines, selects and chooses the viewpoint of a certain discipline. That question, which is best connected with the concrete discipline. Consequently, multidisciplinary legal research, at least for me, is not only a theoretically acceptable possibility, but it is a practically tested and imperative method.

## II. On the problem of multidisciplinaryity

The well-known categorical attitude and analytical character of Western thinking have developed necessarily certain specialized disciplines. However, the scientific ideas, as models, have never been identical with the reality, which, although suffers from the simplification, but can take revenge. Namely, in the most cases the one-sided logic can take us along just to a special point of the cognition. However, the phenomenon starts being silent from there. Thus, in my interpretation the “Multidisciplinary Legal Research” is an approach without a too restrictive methodology to support sophisticated analysis, often by syntheses.

<sup>3</sup> Demelius, G.: *Untersuchungen aus dem römischen Civilrechte*. Weimar, 1856.

<sup>4</sup> Weber: *Economy and Society: an outline of interpretive sociology*. University of California Press. Berkeley, 1978, 781–799.

<sup>5</sup> Wolff, H. J.: *Roman Law. An Historical Introduction*. Norman, 1951, 49.

<sup>6</sup> MacCormack, G.: Formalism, Symbolism and Magic in Early Roman Law. *Tijdschrift voor Rechtsgeschiedenis*, 37 (1969), 339–468, especially 439, 444, 445.

Ortega wrote properly, only the scientist specializes, but science itself does not.<sup>7</sup> Inter- and multidisciplinary approach have got foreground recognizing this circumstance. And I distinguish interdisciplinarity from multidisciplinarity at this point. Namely, in my interpretation the phenomena are interdisciplinary, and the cognition of them is multidisciplinary from different aspects. The things as momenta of reality are accessible from a lot of possible different aspects. It is true even if we do not take this circumstance into account in every case. Thus, although we tend to accept the legal institutions as being separated from other phenomena and other no-legal approaches according to our positivistic tradition, law and legal phenomena are interdisciplinary.

The conceptual analysis of law provides a lot of chances to discover the internal logic of a certain law. However, as we know, the life of the law has not been logic, it has been experience.<sup>8</sup> It is also clear that the essence of law is in its function and this function can be realized just by the operation of law. The conceptual approaches are not able to catch this operation by analysis of the concepts. However, the functional approaches of law can take us along to a concept of law theoretically. Of course, the analytical-conceptual way can be highly helpful in cognition, but it is true first of all at such developed legal systems, which build themselves by concepts. We should not forget that our modern legal systems have not been built by only concepts and theoretical categories. Namely, these systems are continuation of a special ideological structure, which consisted of Christian morality, an irrational (but often expedient and efficient) system of the feudal domination and the Roman law. These are the deeper bases of our legal systems. Consequently, we can not renounce the analysis and inquiry of the past phenomena during cognition of the nature of our law. The historical aspect has a special importance from this point of view.

That is also clear, that legal philosophy is an interdisciplinary area, because this domain is situated between territory of the law and field of the philosophy. In spite of this fact, the acceptance of inter- and multidisciplinarity proved to be significantly harder in jurisprudence (as in humanities in general) than in natural sciences. Although this phenomenon can have various causes, however, I tend to think that the most probable reason for this is in nature of humanities. Namely, natural science is organized on the basis of expediency, whereas ideological momenta have a bigger role in the human disciplines and cultural evolution.<sup>9</sup> These contain such belief-like elements (imagination and ideas) which resist more strongly new thoughts and approaches than pragmatic-rational reflections.

From these aspects the traditional, analytical-conceptual attempts are especially interesting in approaches to the phenomena of normativity and validity. Also, that is thought-provoking, how the categories of phenomenon and the concepts can get confused in this inquiry in certain measure. Moreover, certain paradox gets into these researches. We can expound only such elements from a concept, which have been taken into that previously. Namely, a concept cannot exist without its creator, although the phenomenon, which is covered by philosopher, can. We instinctively interrogate the modern concepts of normativity and validity on the basis of our democratic and rational ideology, however simultaneously we tend to smuggle certain contents into the examined concept, contents which are not in the concept necessarily. Thus, we should distinguish phenomena of normativity and validity from concepts of normativity and validity. I suppose, that the phenomenon of normativity

<sup>7</sup> Ortega y Gasset, J.: *The Revolt of the Masses*. Notre Dame (IN), 1985. Ind. 101–109.

<sup>8</sup> Holmes, O. W.: *The Common Law*. Boston, 1881, 1.

<sup>9</sup> Eibl-Eibesfeldt, I.: *Human Ethology*. New York, 1989, 12.

(or validity) is rooted deeply in the complex of the human behavior (this is a special conglomerate of characteristics of human behavior),<sup>10</sup> especially in obedience.<sup>11</sup> Fundamentally, irrational momenta get importance in this phenomenon, but rational considerations significantly do not. Numerous efforts try to explain normativity in the context of conscious decisions, and these explanations do not take into account the irrational nature of real social processes.<sup>12</sup> Thus, the concept of the normativity (or validity) is not discoverable by only a conceptual analysis, but its approach is possible by observation and in a descriptive way. Perhaps, the duality of phenomenon and concept is the biggest trap for the legal philosophers. Western thinking makes us believe, the conceptual way provides the best solution for cognition.

However, carefully contemplating over these things, we have to accept the circumstance that we should not use previous ideological suppositions (for example natural legal thoughts about will of majority or legal positivistic ideas about faultless creation of the norms and validity), if we wish to discover normativity (or validity) as a value-neutral ontological category. We should previously observe the operation of such things, about which we subsequently create concept. Frankly speaking, if we examine the men-created law and its validity and normativity, it is expedient to know the real nature of humankind, and not only which we wish to see about mankind and its law. However, in this case we open wide the door of the legal philosophy and we have to look into the disciplines of the human nature. And we cannot be sure, that we see, it will be identical to our previous ideological expectations about humanity.

### III. Evolution of legal philosophy

In the late periods of the cultures an account necessarily comes to the front and a historical attitude, too. This happened also in the Western culture in the 18<sup>th</sup> century. We can see this not only on the basis of Spengler's philosophy of history. Anyone can tell examples from his or her own life and on the basis of personal experiences, how the progress of the age is connected with the shaping of a historical attitude and a nostalgic view-point. At the same time, namely in the 18<sup>th</sup> century, history became a discipline, and gradually the historical attitude determined other forms of the thinking whether in the questions of the arts or in the problems of the law. Also, legal history became an independent branch of humanities, showing the changeability of the legal institutions and law itself. Legal philosophy, which significantly dealt with the connection of law and morality and researched the proper law previously, got dubious from that time.

Although Grotius and Pufendorf reminded us of the culturally determined character of law, the plurality of legal forms and spirits of the legal systems became more and more clear by the opening of the historical (and of course geographical) perspective. The historical view and the interpretation of social processes on the basis of their reasons and causes brought a sociological view to the foreground, while sociology also shaped an independent discipline. Legal sociology developed a separated direction of the research on the trails of

<sup>10</sup> Csányi, V.: Reconstruction of the Major Factors in the Evolution of Human Behaviour. *Præhistoria*, 4–5 (2003–2004), 221–232; see also Csányi, V.: *Az emberi viselkedés* (Human behavior). Budapest, 2006.

<sup>11</sup> Milgram, S.: *Obedience to Authority: An Experimental View*. New York, 1974.

<sup>12</sup> Eibl-Eibesfeldt: *op. cit.* 12.

works of Ludwig Gumplowicz<sup>13</sup> and Max Weber,<sup>14</sup> further enlarging the perspective of legal philosophy. Also, the revolution of the psychology, researches of Pierre Janet, Sigmund Freud, Alfred Adler and Carl Gustav Jung did not leave legal philosophy intact and untouched. The existence of the law appears as a special interference of conscious and unconscious, instinctive mechanisms in the works of Scandinavian and American legal realism. Theories relating to culture and anthropology have helped comparative legal research, and legal anthropology come into existence too, while the scientific analysis of the literature formed the stream of “law and literature”, and economy laid the foundation of the economical analysis of law. However, the traditional questions and problems of the legal philosophy revolved around legal positivism and natural law in spite of gradual multidisciplinary transformation of philosophy of law.

Austin, Somló, Kelsen and Merkl and of course Langdell could summarize the problems of the law (as an autonomous phenomenon) in a so attractive way, and Stammler, Radbruch, Verdross, Rawls, Messner argued for the theory of the natural law so originally that the tension of this two characteristic standpoints influenced with a special force the discussion of the legal philosophy. Some decades later in the Critical Legal Studies (a highly exciting continuation of the American Legal Realism) the psychological stream became stronger again, but its (CLS) ideological disposition and its activist character has limited to the chances of this tendency in paradigmatic renaissance and regeneration of legal philosophy.

In the middle of the 20<sup>th</sup> century a new discipline came into being again, namely ethology. On the basis of researches of Konrad Lorenz and other scientists not only animal's behavior has been examined, but the scientific interest has been spreading on areas of human nature and behavior of mankind, and on the cognition and evolutionary description of humankind as a race. In this process among others Eibl-Eibesfeldt and such social-psychologists created lasting works, who especially lively exposed human behavior, which is in the most cases independent of the cultural circumstances.

The ideological, quite idealistic and fundamentally speculative natural law got a chance to renewal from the biological, evolutionary view-point. Margaret Gruter, attempted to approach the phenomena of law<sup>15</sup> on the basis of biological determination of the human behavior, and such excellent legal scholars joined her efforts as Wolfgang Fikentscher.<sup>16</sup> Thus, a new inspiration of legal thought arose again in the German cultural area after Pufendorf, Kant, Hegel etc., but this tendency could reach break-through only in America. Gruter completed a pioneering work by her fundamental books, by the foundation of Gruter Institute, and by initiating international conferences. Owen D. Jones continues Gruter's way

<sup>13</sup> Gumplowicz, L.: *Der Rassenkampf. Sociologische Untersuchungen*. Innsbruck, 1909.

<sup>14</sup> Weber: *op. cit.*

<sup>15</sup> Gruter, M.–Bohannon, P.: *Law, Biology-Culture: The Evolution of Law*. Santa Barbara, 1983; Gruter, M.: *Law and the Mind: Biological Origins of Human Behavior*. Newbury Park, 1991; Gruter, M.–Masters, R.: *Common Sense, and Deception: Social Skills and the Evolution of Law*. In: Großfeld, B.–Sack, R.–Möllers, T. M. J. (Hrsg.): *Festschrift for Wolfgang Fikentscher*. Tübingen, 1998.

<sup>16</sup> Fikentscher, W.–McGuire, M.: *A Four-Function Theory of Biology for Law*. *Rechtstheorie*, 25 (1994), 1–20; Fikentscher, W.: *Modes of Thought: A Study in the Anthropology of Law and Religion*. 2nd ed., Tübingen, 2004; Fikentscher, W.: *Law and Anthropology: Outlines, Issues, Suggestions*. München, 2009.

not only by excellent writings,<sup>17</sup> but he managed to systematize evolutionary jurisprudential efforts by the organization of the Society Evolutionary Analysis in Law.

However, all these ambitions and exertions exist just as alternatives of the mainstream of legal philosophy. It is also clear that the biological interpretation of law<sup>18</sup> is spreading in the same way, as the research of law as an interdisciplinary phenomenon. The establishment of the Southern California Interdisciplinary Law Journal was a quite early moment of the latter process in 1978. Nowadays inter- and multidisciplinary research and interpretation come to the foreground more and more at universities and institutions.

The common aspects of the law and the environment are accentuated at the Vanderbilt University Law School over and above evolution related researches of Jones. The Centre for Interdisciplinary Law and Policy Studies at the Ohio State University Moritz College wishes to illuminate the connections of law, nature, society and the culture. In the 1990s reorganized Interdisciplinary Academic Programs of the University of Chicago Law School shows properly the essence of multidisciplinary legal efforts, namely “the law does not exist in a vacuum”. However, the Planning an Interdisciplinary Curriculum of the Vermont Law School aims a many-sided approach of the law in the same way. The Yale Law School Forum on Multidisciplinary Legal Research has facilitated intellectual exchange among graduate students with research in legal or legal-related issues by more meetings. Especially remarkable are researches of David Garland at the New York University School of Law, which map the connections between punishment and culture.<sup>19</sup> However, in Europe also there are some ambitions to break out from our traditional concepts and theories, eliminating boundaries between legal and non-legal phenomena. John Bell has warned properly “The study of all legal subjects needs to be informed by theory and perspectives non-legal disciplines”.<sup>20</sup> Related to the change of thinking Mauro Zamboni’s article is very considerable, which marks acclimatization of evolutionary theory in the domain of legal theory.<sup>21</sup>

With some superficiality we can establish that in the theoretical researches of law the cultural approach, biological-evolutionary interpretations,<sup>22</sup> and in general multidisciplinary tendencies gain more and more ground.<sup>23</sup> The biological tendency is fundamentally related to that fact that in the past half century such an amount of scientific knowledge concerning mankind has been accumulated, that cannot be neglected by legal philosophy. The change

<sup>17</sup> Jones, O. D.: Law, Evolution and the Brain. *Philosophical Transactions of the Royal Society. Biological Sciences*, 359 (2004), 1697–1707; Jones, O. D.: Law and Biology: Toward an Integrated Model of Human Behavior. *Journal Contemporary Legal Issues*, 8 (1997), 167–173.

<sup>18</sup> Guttentag, M.: Is There a Law Instinct? *Washington University Law Review*, 87 (2009) 269, 270–327.

<sup>19</sup> Garland, D.: A Culturalist Theory of Punishment. Punishment and Society. *The International Journal of Penology*, 11 (2009) 2, 259–269.

<sup>20</sup> Bell, J.: Legal theory in legal education—“Anything you can do, I can do meta...”. In: Eng, S. (ed.): *Proceedings of the 21st IVR World Congress*. Stuttgart, 2005, 61–68, 61.

<sup>21</sup> Zamboni, M.: From “Evolutionary Theory and Law” to a “Legal Evolutionary Theory”. *German Law Journal*, 9 (2008) 4, 515–546.

<sup>22</sup> Guttentag: *op. cit.* 2009.

<sup>23</sup> Clark, R. C.: The Interdisciplinary Study of Legal Evolution. *The Yale Law Journal*, 90 (1981) 5, 1238–1274; see a careful new opinion Parisi, F.: Multidisciplinary Perspectives in Legal Education. *University of St. Thomas Law Journal*, 6 (2009) 2, 347–357.



of our image about human nature allows us less and less to base the examination of the law on old and ideological thought.

As an explanation for the multidisciplinary approach of law it appears in most cases that lawyers have to prepare themselves for certain special knowledge related to that profession, rules of which will be used by them. Although it is true, there are two more cardinal reasons for changing view. Firstly, a general inter- and multidisciplinary tendency of the science, secondly the legal positivistic idea about the autonomy of law, as among others the theory of Langdell drafted, is less and less tenable. These circumstances touch first of all practice, legislation and application of the law. However, we should know, the multidisciplinary legal research, and multidisciplinary analysis of law are important in the legal philosophy, too.

Moreover, legal philosophy has to clarify the structural inter-relations among the approaches of different scientific disciplines. In an optimal case various approaches to law do not coexist just incidentally, haphazardly, offering only alternative aspects. Thus, in my interpretation the multidisciplinary legal research in the long run is not only a conglomerate of the coequal viewpoints, but it is a special system from generality to peculiarity, wherein the examination is fundamentally adapted to the respective ontological, law-determining levels. Namely, really existing (thus not hypothetical and imaginary) legal systems have been built on certain biological determinants, onto the basis of the complex of human behavior. Of course, this basis permits several, often conflicting, solutions, but from these cultural characteristics and traditions select and shape the actual institutions.

Within the culturally determined system of course there is room for conceptual approaches and analyses of the law, but first of all only where the legal system exhibits a definite conceptual construct. Thus, I presume that the three fundamental levels of the approaches to law can be distinguished (biological, cultural and conceptual), which could be also complemented by horizontal viewpoints. We will return to these later.

#### **IV. Structure of multidisciplinary legal research**

The multidisciplinary approach of law could have various reasons and aims. This approach could promote dialogue among disciplines, could prepare practicing lawyers for application of such rules, which concern special professions, could help legislation in shaping efficient norms. From the aspect of legal philosophy, namely from the aspects of existence and nature of law the multidisciplinary approach has a fundamental importance, too. First of all, the view about human nature can influence the legal concepts. The different legal philosophical standpoints always set out from certain ideas concerning the humanity, even if they do not explicate this circumstance. These notions are determined culturally, moreover there could be more anthropological ideas within a culture subsequently, but simultaneously, too. In the Western culture a quite holy and idealistic view existed, because of a long domination of the Christian morality. This notion was followed and pushed to the background by a secular-rational vision about the human. Reformation and its rational attitude played and eminent role in this process.

The irrational aspects as a consequence of the result of modern psychology came to the front in 19<sup>th</sup> century. Then a highly sophisticated human-view appeared by the emergence of ethology and human ethology. Humankind is characterized in this scientific interpretation simultaneously among others by belief-like ideas (common beliefs),<sup>24</sup> inclination to

<sup>24</sup> Eibl-Eibesfeldt: *op. cit.*

constructions, altruism, indoctrinability and tendency to imitation.<sup>25</sup> Human ethology explains human character by evolutionary factors and processes, emphasizing characteristic elements can gain varying importance in various cultures. The environment and the above-mentioned inclination to imitation and indoctrinability can get a huge significance in shaping of concrete cultural forms.<sup>26</sup> General human characteristics, as sociability, sensitiveness to mutuality, obedience, so-called rule-following behavior and distinction between own group and alien group are present in all human societies.

Consequently, during the examination of social rules and law we should set out from such scientific vision about people, which describes and defines mankind as a race. This means omission of ideological views and departure from fundamentally emotionally determined approaches and concepts, and this means necessarily the consideration of human ethological model and facts, especially the so-called complex of human behavior. Thus, there is a fundamental biological, human ethological and evolutionary psychological level of the examination of law, which discovers for us, what the human nature is in general. This human quality can create various institutions and processes, however, in the reality we always meet quite definite and concrete forms of phenomena. Namely, every single culture shapes its solutions according to its own spirit and postulates whether in religion, in science and art, or relating to different social control.<sup>27</sup>

So, in my interpretation, the second level of examination of law must be the cultural level, wherein cultural anthropological, legal sociological viewpoints can come to the front, and aspects of philosophy of religion and history of religion, or philosophy of history could get in focus. We should take into account this natural level in order to avoid numerous intellectual and ideological traps. For example the slavery is not accepted by natural law; however, Aristotle thought this institution coming from nature. Moreover, opposite to our modern human opinions, slavery has been and is present everywhere, but sometimes this phenomenon is marginal, illegal and it is named euphemistically. However, it emerges so stubbornly, that it cannot be opposite to nature. Consequently, we should examine very carefully the occurrence of slavery, and we should take very seriously this phenomenon in order to know, eliminate and remove that. As I suppose, this phenomenon is connected to the distinction between own group and alien group, because slavery can exist relatively lastingly in intercultural or intersexual relations. (See source of slavery from captivity; black slavery; in Rome selling of debtors as slaves “trans Tiberim”, so to an other group; or in general sexual slavery as usual from foreign counties.)<sup>28</sup> However, within groups sociability, empathy and altruism are more significant. Thus, we should know humans openly and without illusions to develop humane societies and legal systems.

On the verge of this two levels of inquiry there are psychological approaches simultaneously explaining the culturally and biologically coded phenomena. In my opinion for example the “father-complex” theory of Jerome Frank<sup>29</sup> as a paraphrase or variation of

<sup>25</sup> Csányi: Reconstruction of the Major Factors... *op. cit.*

<sup>26</sup> Richerson, P. J.–Boyd, R.: The evolution of human ultra-sociality. In: Eibl-Eibesfeldt, I.–Salter, F. K. (eds): *Indoctrinability, Ideology, and Warfare. Evolutionary Perspectives*. New York, 1998, 71–95.

<sup>27</sup> Kohler, J.: *Das Recht als Kulturerscheinung*. Würzburg, 1885.

<sup>28</sup> Eibl-Eibesfeldt: *op. cit.* 402–421.

<sup>29</sup> Frank, J.: *Law and the Modern Mind*. New Brunswick, 2009.



ideas of Feud, the feminist legal theory (at Critical Legal Studies),<sup>30</sup> and of course some of my ideas, too, on the basis of Jung, mean among others such psychological analysis of the law. From this aspect numerous statements of Scandinavian Legal Realism are highly relevant. This psychological-legal researches discover phenomena, which have got significant just in certain cultures, although which take their origins from nature.

I regard the conceptual analysis of law as a third level of examination. This approach could have excellent importance in legal cultures, wherein the concepts and categories have more special significance, than in “average legal culture”. Thus, we have to use secular-rational concepts consistently, because Western law gradually became secularized and it detached itself from its religious roots and possibility of religious-moral interpretation. The reception of Roman law played a major role in conceptual effort. It seems, the analytical-conceptual ambitions got decisive necessarily in the Western legal philosophy.

As I have mentioned, three levels (biological, cultural, conceptual) of legal examination model the levels of reality from generality to peculiarity. This is the so-called vertical system of cognition. Biological, evolutionary phenomena characterize all humankind, culturally coded phenomena are valid within a certain culture or cultural region. However, concepts could have different meanings according to the domain of use of those concepts. Thus, the various scientific approaches are not accidental and only alternative, but they are complementary shaping a special system, and they impregnate spheres of each-other.

However, certain approaches are not situated on the basis of axis of the generality and the peculiarity, but they are arranged on the basis of domain of special interests. So moral-philosophical, theological, nature legal, historical, literatural (and other) approaches to law could comprehend more levels of generality and peculiarity. I regard these as a horizontal system of the legal examination. Independently of this circumstance, certain horizontal approaches could be more firmly connected with some vertical aspects. For example natural law necessarily could be connected with the human ethological analysis of law, the historical and literatural researches with cultural level. Of course, approaches of legal philosophy are categorizable in other way, because our categories are just models of the colorful world. However, we should in any case consider that our current, temporary, concrete approach is just one of huge pile of possible approaches. Nevertheless, we should take into consideration various aspects and approaches of law, if we take legal philosophy seriously.

<sup>30</sup> McKinnon, C.: Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence. *Journal of Women in Culture and Society*, 8 (1983) 2, 635–658.